

Chief Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

LOREASA JOSEPH MISIPATI,  
Defendant.

NO. MJ19-460

**COMPLAINT for VIOLATION**

Title 18, United States Code, Section 922(g)(1)

BEFORE, The Honorable Brian A. Tsuchida, United States Chief Magistrate  
Judge, U.S. Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT 1**  
**(Felon in Possession of a Firearm)**

On or about April 24, 2019, in the city of Auburn, Muckleshoot Indian  
Reservation, within the Western District of Washington, the Defendant, LOREASA  
JOSEPH MISIPATI, knowing he had been convicted of the following crimes punishable  
by a term of imprisonment exceeding one year, to wit:

- Unlawful Possession of a Firearm First Degree, Superior Court of Washington for  
King County, cause number 15-1-05022-9 KNT, dated December 18, 2015;

- Attempting to Elude a Pursuing Police Vehicle, Superior Court of Washington for King County, cause number 15-1-05022-9 KNT, dated December 18, 2015;
- Unlawful Possession of a Firearm First Degree, Superior Court of Washington for King County, cause number 15-1-03715-0 KNT, dated December 18, 2015;

did knowingly possess in and affecting interstate and foreign commerce, the following firearms: a Sturm, Ruger & Co. .40 caliber pistol, model SR40; Bryco Arms .22 caliber pistol, model J22; Forjas Taurus S.A. .45 caliber pistol, model PT 945 Deluxe; and two Autauga MKII, .32 caliber pistols; all of which had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

### **AFFIANT'S BACKGROUND**

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), and have been employed with the FBI since September 17, 2017. I am currently assigned to the violent crime/organized crime squad in the Seattle, Washington office. As an FBI Special Agent, I have investigated a variety of narcotics and firearm related crimes, including cases involving possession and distribution of narcotics, illegal trafficking of firearms, and unlawful possession of firearms and ammunition.

2. During my FBI career, I have been involved in narcotics and felon in possession of firearms and ammunition arrests and search warrants in drug trafficking, organized crime, and trafficking of stolen property cases. I have authored affidavits in support of federal warrant applications, participated in executing state and federal warrants, and have interviewed drug and firearms traffickers and informants with knowledge of drug and firearms trafficking. I have also served as a case agent on prior federal criminal investigations into Drug Trafficking Organizations and other criminal activity. I have participated in the debriefing of defendants, witnesses, and informants, during which time I have discussed with them their criminal activity, to include drug trafficking, firearms possession, and avoiding law enforcement detection, among other

1 crimes and activities. I have also discussed with and learned from other law enforcement  
2 investigators regarding these matters as well.

3 3. The facts in this affidavit come from my personal observations, my training  
4 and experience, and information obtained from other law enforcement officers and  
5 witnesses. I have also read reports written by law enforcement officers regarding the  
6 incident in this case. This affidavit is intended to show merely that there is sufficient  
7 probable cause for the above charge and does not set forth all of my knowledge about this  
8 matter.

9 **SUMMARY OF PROBABLE CAUSE**

10 4. On April 24, 2019, at approximately 8:39 a.m., King County Sheriff's  
11 Deputy Dylan Fitzpatrick was on the Muckleshoot Indian Reservation at the Muckleshoot  
12 Bingo Hall attempting to locate J.M., a person who was the subject of an outstanding  
13 warrant. Deputy Fitzpatrick had located a vehicle parked in the Muckleshoot Bingo Hall  
14 parking lot, a blue Dodge Charger bearing Washington state license plate ADH7016, that  
15 was registered to J.M.

16 5. The Muckleshoot Bingo Hall security staff told Deputy Fitzpatrick that  
17 there were approximately 20 people in the Bingo Hall at that time. The Muckleshoot  
18 Casino/Bingo surveillance team notified Deputy Fitzpatrick that a male and female had  
19 exited the blue Dodge Charger and were still inside the Bingo Hall in Room #1.

20 6. Deputy Fitzpatrick, assisted by Detective Eric Shuty, located and made  
21 contact with the male and female, who had exited the blue Dodge Charger, inside the  
22 Bingo Hall. The male closely matched the physical description of the warrant subject,  
23 J.M. Deputy Fitzpatrick asked the male and female if the blue Dodge Charger in the  
24 parking lot belonged to them and they both said "yes." The male refused to give his  
25 name and told Deputy Fitzpatrick to contact his lawyer. The male was detained until the  
26 deputy could determine whether he was the warrant subject or not. The male then told  
27 the deputy that he would talk to them away from the Bingo Hall security officers.  
28

1           7. Deputy Fitzpatrick and Detective Shuty escorted the male and female out of  
2 the Bingo Hall to Deputy Fitzpatrick's vehicle. Once outside, the female was told she  
3 was free to leave but she voluntarily remained with the male while Deputy Fitzpatrick  
4 and Detective Shuty investigated the identity of the male. The female identified herself  
5 as Alexandra Anderson. The male told Deputy Fitzpatrick that his name was LOREASA  
6 MISIPATI and that he was not the warrant subject who they were looking for, but that he  
7 had an outstanding Department of Corrections ("DOC") warrant. Detective Shuty  
8 confirmed that MISIPATI had several warrants, including a felony DOC warrant and  
9 confirmed MISIPATI's identity using a prior booking photograph. MISIPATI was  
10 placed under arrest on his DOC warrant.

11           8. During a post-arrest search of MISIPATI, Deputy Fitzpatrick located a  
12 9mm round of live ammunition in MISIPATI's right jean pocket. MISIPATI was placed  
13 in the back seat of the patrol car, at which point MISIPATI asked Deputy Fitzpatrick if  
14 Anderson could be handcuffed and sit in the car with MISIPATI. Deputy Fitzpatrick  
15 knew from his training and experience that suspects will often asked to be placed into  
16 handcuffs to avoid looking like they are cooperating with law enforcement. Anderson  
17 agreed to be handcuffed and frisked. Anderson had a large red purse that she had been  
18 carrying during the entire contact with law enforcement. Deputy Fitzpatrick took  
19 Anderson's purse and placed it on the hood of his patrol vehicle, at which point the  
20 deputy noticed that the purse was oddly heavy. Anderson was frisked and placed into the  
21 back of the patrol car with MISIPATI.

22           9. While still at the Bingo Hall, Deputy Fitzpatrick and Detective Shuty were  
23 approached by Bingo Hall Security Officer Peter Laussen. Laussen advised that he had  
24 been asking MISIPATI his name for the purpose of trespassing MISIPATI from the  
25 property. During the conversation between Laussen and MISIPATI, which was in  
26 Samoan, MISIPATI told Laussen that there was a gun in the car and not to tell the police.  
27 Deputy Fitzpatrick walked to the Dodge Charger, which MISIPATI had already admitted  
28 to driving, and through the window, in plain view, observed a 9mm round of live

1 ammunition on the driver's seat and another 9mm round of live ammunition on the  
2 driver's side floorboard of the vehicle.

3 10. Deputy Fitzpatrick read MISIPATI and Anderson their *Miranda* rights off  
4 of his department issued *Miranda* Warning card. When asked if they understood their  
5 rights, both MISIPATI and Anderson verbally acknowledged by saying "yes." When  
6 asked if they would be willing to talk to Deputy Fitzpatrick, both MISIPATI and  
7 Anderson verbally acknowledge by saying "yes."

8 11. Deputy Fitzpatrick asked MISIPATI if there were any firearms in the  
9 vehicle. MISIPATI admitted that there were firearms in the vehicle, including one under  
10 the driver's seat, and some heroin in the trunk. Deputy Fitzpatrick asked Anderson if  
11 there were any narcotics or weapons in her purse. Anderson admitted that there were six  
12 grams of methamphetamine and two firearms in her purse. Anderson would not provide  
13 consent to search her purse. Deputy Fitzpatrick seized Anderson's purse for a possible  
14 search warrant at a later date.

15 12. Deputy Fitzpatrick asked MISIPATI if he would provide consent to search  
16 the Dodge Charger, and MISIPATI verbally provided his consent. Deputy Fitzpatrick  
17 read the Department's consent to search form to MISIPATI. MISIPATI again agreed to a  
18 consent search of the Dodge Charger, signed the consent to search form, and  
19 acknowledged that he understood what the form said. After obtaining verbal and written  
20 consent to search the vehicle, Deputy Fitzpatrick and Detective Shutty conducted a search  
21 of the Dodge Charger. During the vehicle search, MISIPATI was approximately 10 feet  
22 from the vehicle with a view of the on-going search, and was free to revoke or limit the  
23 search at any time. Anderson was taken out of the patrol car and uncuffed prior to the  
24 vehicle search. Anderson was again told that she was free to leave at any time, but that if  
25 she wanted to take the car, she would need to wait until the search was completed.  
26 Anderson stated she would wait for the search to be completed and asked to talk with  
27 MISIPATI while Deputy Fitzpatrick and Detective Shutty searched the vehicle, which  
28 was permitted.

1           13.     Underneath the driver's seat of the vehicle, Detective Shuty located a  
2 loaded Sturm, Ruger & Co. .40 caliber pistol, model SR40, bearing serial number 342-  
3 57699, and an extended 9mm magazine. There were several loose rounds of live  
4 ammunition of various calibers located in both the driver's and passenger's area. In a  
5 backpack in the truck of the vehicle, Deputy Fitzpatrick located two more firearms, live  
6 ammunition, suspected methamphetamine, and suspected heroin. One of the firearms  
7 found in the backpack was a loaded Forjas Taurus S.A. .45 caliber pistol, model PT 945  
8 Deluxe, bearing serial number NWA 26209. The other firearm found in the backpack  
9 was a Bryco Arms .22 caliber pistol, model J22, bearing serial number 644701.  
10 Detective Shuty took photographs of the evidence recovered from the vehicle prior to the  
11 evidence being seized.

12           14.     After the search was completed, MISIPATI asked to speak with Deputy  
13 Fitzpatrick. MISIPATI told the deputy that the firearms were most likely stolen.  
14 MISIPATI stated he was taking responsibility for "whatever was found in Anderson's  
15 purse" because MISIPATI had asked her to hold it for him.

16           15.     MISIPATI was transported to Enumclaw city jail where he was booked for  
17 his DOC warrant. The vehicle was released to Anderson. The evidence seized from the  
18 vehicle was transported to the King County Sheriff's Office Muckleshoot Substation  
19 where the suspected methamphetamine and heroin were weighed and field tested by  
20 Detective Shuty. The suspected methamphetamine weighed approximately 2.4 grams,  
21 without packaging, and a NARCO field test kit produced a presumptively positive result  
22 for methamphetamine. The suspected heroin weighed approximately 97.0 grams, without  
23 packaging, and a NIK field test kit produced a presumptively positive result for heroin.

24           16.     A search of Anderson's purse revealed two additional .32 caliber pistols, an  
25 Autauga MK II pistol serial number A0159 and an Autauga MK II pistol serial number  
26 A1220.

27           17.     Special Agent Claudia Grigore of the Bureau of Alcohol, Tobacco,  
28 Firearms and Explosives (ATF), a recognized "interstate nexus" expert who has received

1 specialized training in identifying the manufacturers and/or importers of firearms and  
2 ammunition, has reviewed the make, model, caliber, and serial numbers of the above  
3 firearms located by Deputy Fitzpatrick and Detective Shutty in the blue Dodge Charger  
4 and Anderson's purse. Based on her review, Special Agent Grigore has opined that all  
5 five firearms meet the definition of "firearm" under federal law and that each of the three  
6 firearms was manufactured outside the State of Washington. Therefore, the above  
7 firearms necessarily had previously traveled in interstate or foreign commerce before  
8 being recovered in King County, Washington.

9 18. Finally, I have reviewed certified copies of court records showing that  
10 LOREASA JOSEPH MISIPATI has been convicted for the following crimes punishable  
11 by imprisonment for a term exceeding one year:

- 12 • Unlawful Possession of a Firearm First Degree, Superior Court of Washington for  
13 King County, cause number 15-1-05022-9 KNT, dated December 18, 2015;
- 14 • Attempting to Elude a Pursuing Police Vehicle, Superior Court of Washington for  
15 King County, cause number 15-1-05022-9 KNT, dated December 18, 2015;
- 16 • Unlawful Possession of a Firearm First Degree, Superior Court of Washington for  
17 King County, cause number 15-1-03715-0 KNT, dated December 18, 2015.

18 In each of these cases, MISIPATI was sentenced to terms of imprisonment exceeding  
19 one year.

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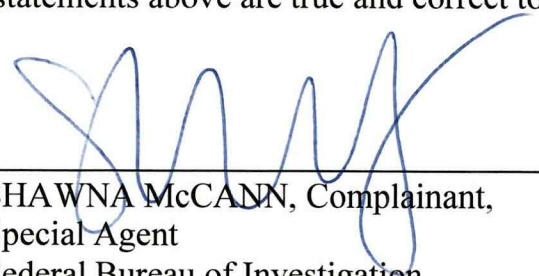
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**CONCLUSION**

19. Based on the foregoing, I respectfully submit that there is probable cause to believe that LOREASA JOSEPH MISIPATI, has committed the offense of: Felon in Possession of a Firearm, in violation of Title 18, United States Code, Sections 922(g)(1).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

  
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SHAWNA McCANN, Complainant,  
Special Agent  
Federal Bureau of Investigation

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

DATED this 27th day of September, 2019.

  
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BRIAN A. TSUCHIDA  
United States Chief Magistrate Judge